

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DEPARTMENT OF AMAZONAS, et al.,

Plaintiffs,

v.

PHILIP MORRIS COMPANIES, INC., et al.,

Defendants.

ORDER

00-CV-02881 (NGG)

NOT FOR PUBLICATION

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GARAUFIS, United States District Judge

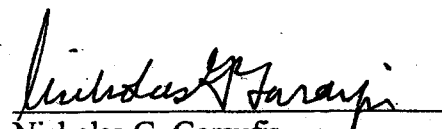
This court is in receipt of the following documents: (1) the letter dated October 12, 2000 from Irvin B. Nathan to Kevin A. Malone and John J. Halloran, Jr. (the "October 12 Letter"); (2) the letter dated October 20, 2000 from John J. Halloran, Jr. to the undersigned, responding to the

October 12 Letter; (3) the letter dated October 24, 2000 from Irvin B. Nathan to the undersigned (the "October 24 Letter"); and (4) the letter dated October 25, 2000 from John J. Halloran, Jr. to the undersigned, responding to the October 24 Letter. Each of these documents has been docketed and filed with this court.

The Philip Morris defendants are directed to submit their motion for disqualification of Plaintiffs' counsel and any other relief they deem it appropriate to seek in connection with the issues raised in the above-described correspondence, in accordance with the following schedule: (1) moving papers are due on November 8, 2000; (2) Plaintiffs' response papers are due on November 15, 2000; and (3) reply papers, if any, are due on November 22, 2000. The parties are instructed to address the following points, in addition to their other arguments: (1) why the ethical violations alleged in the Philip Morris Defendants' letters to Plaintiffs' counsel and to this court should or should not be raised before the Committee on Grievances, as set forth in the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York; and (2) the applicability to this motion of the standard, adopted by the Second Circuit, calling for disqualification of counsel "only upon a finding that the presence of a particular counsel will taint the trial by affecting his or her presentation of a case." See Bottaro v. Hatton Assocs., 680 F.2d 895, 896 (2d Cir. 1982). The briefing schedule set forth above shall have no effect upon the parties' obligation to adhere to the briefing schedule established in connection with the Defendants' motion to dismiss. Extensions of time will not be granted except upon a showing of extraordinary circumstances.

It is so ordered.

Dated: November 1, 2000  
Brooklyn, New York

  
Nicholas G. Garaufis  
United States District Judge